

SCENES ARE  
TERRIBLEAbout Mine Where Scores  
Were Buried To-day

## FOLLOWING EXPLOSION

Few, if any, of the Imprisoned Men Can  
Be Rescued, But Heroic Efforts  
Are Being Made, How-  
ever.

Birmingham, Ala., Nov. 17.—A terrible explosion in mine number three of the Tennessee company this forenoon buried scores of men, and few if any of the men can be saved, it is believed. The whole force of workmen at the adjacent mines are working desperately to rescue the imprisoned men. The scenes at the mouth of the pit are heart-rending, as the families of the imprisoned men are clamoring for the safety of their husbands and friends and urging the volunteers to extra effort.

SIX MEN KILLED;  
FELL INTO MINEThey Dropped 225 Feet and Then a  
Heavy Beam Fell on Them, Crush-  
ing Them Almost Beyond  
Recognition.

Pittsburg, Nov. 17.—Six men were instantly killed and three others had narrow escapes from injury or death in a mine cave accident at Ellsworth mine No. 1, located in Washington county late yesterday. The mine is owned by the Ellsworth Coal company of this city.

The dead:  
M. J. Walsh, aged 23, Phillipsburg, Pa., mining engineer.  
Eugene G. Smyth, aged 25, Alliance, O., mining engineer.

J. B. Newcomb, aged 20, Dawson, Pa., chief mining engineer, in charge of the four Ellsworth mines.

Three foreigners.  
The three engineers had just completed a survey of the mine preparatory to starting new entries, the three foreigners having assisted them. A heavy good iron beam was loaded into the cage and its end projected beyond the sides, the men riding on the timber. All went well until within 75 feet of the top of the shaft when the projecting beam struck one of the planks of the shaft's cribbing displaced by expansion due to the cold and most of the men were dumped out of the cage. The six fell to the bottom, a distance of 225 feet, the heavy timber on top of them and were bruised and crushed almost beyond recognition.

WOULD GO TO JAIL  
BEFORE PAYING FINEPresident Gompers So Stated at Denver  
Concerning Contempt Proceedings  
Against Him in Wash-  
ington.

Denver, Col., Nov. 17.—President Samuel Gompers at the afternoon session yesterday of the convention of the American Federation of Labor declared that if he were found guilty and fined in the contempt proceedings against him at Washington he would go to jail before he would pay the fine or before he would allow the federation to pay any fine for him.

This statement was made by Mr. Gompers during a discussion of the report of the committee on the treasurer's report. The committee recommended that immediately following the adjournment of the convention the executive committee shall take up the proposition of placing its funds where they may be removed from danger of attachment.

## THE BULLET REMOVED.

Honey Resting Well and Shows No Ill  
Effects From Operation.

San Francisco, Nov. 17.—The bullet fired by Morris Haas at F. J. Heney Friday was removed yesterday from the muscles of the lower left maxillary. Heney is resting quietly and shows no ill effects from the operation.

## STOCKS SOAR.

On The Prospects of Prosperity—New  
Record For Union Pacific.

New York, Nov. 17.—Heavy buying from London pushed up the stock of the Union Pacific, reaching 183, a high record. Other trades stocks shared the advance on the prospects of prosperity.

## JILT.

Katherine Elkins' Engagement to  
Abruzzi Broken Off.

London, Nov. 17.—A Rome dispatch confirms the report that the Duke of the Abruzzi has called Katherine Elkins breaking off their match.

## WILD FOR SPEED.

He Lost His Life at Birmingham To-  
day.—Race Off.

Birmingham, Ala., Nov. 17.—Emil Sticker was killed and his car was smashed today in trying to break the world's record for 24 hours. The race was then declared off.

SMALLPOX PATIENT  
FLED IN TERRORWas One of The Workmen on The Dam  
at Brattleboro and He Has a Sure  
Case of The Disease.

Brattleboro, Nov. 17.—The first case of smallpox which has appeared among the men employed by the Loring N. Tarnum Co., constructing engineers, at the new dam of the Connecticut River Power company in Vernon, was brought to light yesterday when an infected Italian came to one of the local physicians for treatment. The man who is one of 400 employed by the company was sent to a local physician yesterday morning so that the nature of his illness could be learned. He came first to the office of Dr. F. H. O'Connor and after a hasty examination the doctor decided that he had smallpox and sent him to Dr. Holton, secretary of the state board of health. Dr. Holton found that he had been ill ten days and his diagnosis of the case also determined it to be smallpox. He was ordered to be quarantined. Instead of going to Dr. O'Connor, he evaded the physician and left town, no trace of his whereabouts being known at the present time. It is believed he was in Vernon.

The officials at the dam were at once notified and they ordered the vaccination of every man working for the company and vaccinations are being performed by Dr. H. G. Foss of Hinsdale. The name of the missing patient is not known. On the books of the company he is listed as No. 654. At a late hour he had not put in an appearance at the dam but on doing so he will be immediately quarantined.

The two specialists, whom the physicians and selectmen and town of Brattleboro brought here to deal with the cases of smallpox arrived last evening. In company with Drs. Holton and Tucker, who have charge of the local smallpox situation, the two New York medical experts, Dr. John J. Cronin, a consulting physician of the New York City health department, and Dr. William T. Somers, chief in diagnosis of the same department, visited over 20 cases now under quarantine. In regard to the patients visited, the New York physicians stated that each had a typical case of smallpox although in a mild form.

This morning at a conference between the town physicians, selectmen and New York doctors, the latter stated that if strict quarantine measures were maintained and the cases segregated as fast as discovered, that these patients should be stamped out within six weeks and all danger from infection would be over in the next two weeks. They recommended the local board on the measures already put into effect and concurred in the opinion that everybody should be vaccinated.

PARENTS FOUGHT  
FOR THEIR DAUGHTERMr. and Mrs. Percy D. Jordan, The Lat-  
ter of Whom Has Been Staying  
in Northfield, This State, Creat-  
ed a Scene in Boston.

Boston, Nov. 17.—From the North station to police headquarters and thence to the Court square station Percy D. Jordan and his wife contested for the custody of their 14 year old daughter, Madeline, last night. The mother finally won by the girl's statement that she preferred to accompany her mother. Lieut. Hyland acted as referee, and it was the only way he could see out of the difficulty. The father will probably bring the matter to the courts.

The couple is divorced, the husband obtaining a decree in 1901 giving him the custody of their two children. Two years later an agreement was drawn up before a justice of the peace whereby the mother was given custody of the children, with the understanding that they were to be brought to Massachusetts and educated in this state.

At no time after obtaining the decree giving him the custody of the children has the father had them in his possession, not being able, it is said to learn where they were. It is further stated that the father entered into the late agreement with his wife in the hope that he might see them.

Mrs. Jordan has been in Northfield, Vt., and Madeline was also there with relatives or friends. Jordan learned that Madeline was there, and when Mrs. Jordan left two days ago he went to Northfield and took the child. Mrs. Jordan, who is stopping in Brantree, was notified by telegram that Jordan was about to leave for Boston, and last night she and Sergt. Norton of police headquarters met Jordan and his daughter at the train.

Inspector Collins examined the papers in the case, and decided that Jordan had, by his official court papers, the right to the child. Then father, mother and child left and went down to Southbury. Quite a scene followed, the mother shrieking for the possession of her daughter. The father eluded her, and finally she and a crowd gathered that two patrolmen escorted the three to the Court square station.

With tears in her eyes the girl told Lieut. Hyland that she wanted to go to her mother, and Lieut. Hyland decided that she should. Lieut. Hyland told Jordan that any action of his would not prejudice his case in the event of Jordan carrying the case to court. The latter said he would engage counsel.

Jordan is a postal clerk, attached to the Harvard square postoffice, and lives at 83 Pemberton street, Cambridge.

## NATIONAL REGRETS.

Conveyed From American People to Re-  
gent of China.

Washington, D. C., Nov. 17.—Secretary Root today ordered the American legation at Peking to convey the expression of the American national regret on the death of the emperor and express downer, to Prince Chun, the new regent.

ASYLUM GETS  
KENT AGAINAlleged Murderer Sent Back  
to Waterbury

## TO DETERMINE HIS SANITY

In Rutland County Court To-day, Judge  
Hazelton Ordered the Man Recom-  
mended to Place He Fled  
From.

Rutland, Nov. 17.—Elroy Kent, the man accused of the murder of Miss Della B. Congdon of East Wallingford, and who was captured at Pittsfield, Mass., a few weeks ago after a four months' search, was today ordered by Judge Hazelton sent back for observation to the Waterbury asylum, from which he escaped last July. He will be examined by an expert from out of the state.

Casper Crociata, brother of Rev. Francis Crociata, the convicted priest, today pleaded guilty to assault in connection with the Santoro murder. The state recommended a light sentence as Casper furnished the prosecution a history of the crime.

INCENDIARY PUTS  
TORCH TO COTTAGESSix Summer Homes at Long Beach Were  
Destroyed To-day, in Addition  
to Those Burned Yester-  
day.

Gloucester, Mass., Nov. 17.—An incendiary fire burned six summer cottages worth \$60,000 at Long Beach to-day, following the destruction of several yesterday. Last year thirteen homes were destroyed by an incendiary. Further outbreaks of his mania are feared.

## AGAINST PATRICK.

The Decision by the Supreme Court of  
the United States.

Washington, D. C., Nov. 17.—The petition for a writ of habeas corpus of Albert T. Patrick, the New York lawyer who is serving a life sentence in the state prison at Sing Sing, N. Y., on a charge of having murdered the millionaire, William M. Rice, was decided by the supreme court of the United States yesterday adversely to the petitioner.

Patrick charged that the case against him was a conspiracy, and urged that in commuting the sentence of death which the court imposed upon him to one of life imprisonment, Governor Higgins had resorted to a more cruel method of punishment. He asked to be released from prison on the theory that the whole proceeding had been unconstitutional.

The decision was announced orally by Chief Justice Fuller. He said the application was denied on the ground that the court was without jurisdiction. This action has the effect of removing the case in all its phases from the docket of the supreme court.

## BIG BREAK IN CANAL.

Has Flooded Lower Part of Rochester,  
N. Y., Yesterday.

Rochester, N. Y., Nov. 17.—With the end of the season of navigation only two weeks away, the worst break in the Erie canal in this section this year occurred between docks 64 and 65, in the twenty-first ward, yesterday afternoon. A large area of low land in the eastern part of the city was flooded from two to four feet of water. Every cellar and basement within that district was flooded, sewer work in Park avenue was stopped and the running of cars between Winston Road and Park avenue was suspended for the rest of the day.

## DEATH WAS NATURAL.

No Murder Mystery in Connection With  
The Death of Mrs. Stahl.

Boston, Nov. 17.—After an autopsy and nearly 24 hours of investigation the local police announced yesterday that they were satisfied that Mrs. Charles W. ("Chick") Stahl, the widow of the American baseball player, whose body was found yesterday in a doorway of a house in South Boston, died from natural causes, and that she had not been robbed of any jewelry. The body was sent to the home of Mrs. Stahl's parents.

## Lord Fairfax Recognized.

London, Nov. 17.—The House of Commons today recognized that Lord Fairfax, a member of a Virginia family, had established his right to a seat in the House of Lords.

Winfield Scott recently captured in a meadow near his home in Jeffersonville a bird, or fowl of a species seldom seen in that section. In color and size it resembles a duck, and is web footed, but has a long slender bill. The bird is unable to fly, owing to a broken wing, which was doubtless caused by some hunter. It perambulates by a succession of jumps instead of progressing as a duck, and takes readily to water, but remains in it only long enough for a bath. Local naturalists differ in opinion as to its species, some say it is a pelican of the European variety, and others advance contrary opinions.

Ten thousand Christmas trees in the freight yard at Ludlow will be started for the cities this week.

## THE YEAR OF JUBILEE.

Subject of Dr. Toy's Sermon Last Even-  
ing at Hedding Church.

The evangelist service at Hedding Methodist Episcopal church last night was well attended and one was impressed at the start, as the Alexander songs were being sung, under the direction of Mr. Dickson, that the atmosphere was tense with spiritual fervor. Prayer was offered by Rev. F. A. Poole and Dr. Toy read from Isaiah the 41st chapter and Luke 4, beginning with the 10th verse, after which Mr. Dickson sang.

Dr. Toy's subject was "The Year of Jubilee," taking for his text Leviticus 25:10, "And ye shall hallow the fiftieth year, and proclaim liberty throughout the land unto all the inhabitants thereof; it shall be a jubilee unto you; and ye shall return every man unto his possessions, and ye shall return every man unto his family."

Let us see what we can get out of this for us. Every seventh day was a sabbath day, every seventh year a sabbath year, and every fiftieth year a year of jubilee. When Jesus went back to his home in Nazareth and read in the synagogue this 41st chapter of Isaiah, he omitted this sentence, "and the day of vengeance of our God," and read the prophecy relating to himself, thus: "He hath sent me to proclaim release to the captives, and recovering of sight to the blind, to set at liberty them that are bruised, to proclaim the acceptable year of the Lord, and to close the book and say, 'I am persuaded that these days are the days which Christ meant as "the acceptable year of the Lord," these days in which we live. As you follow my thought to-night, you will find that the year of jubilee was a type of the year of our Lord."

There were five blessings for the Jews in the year of jubilee. First blessing—all indebtedness was canceled. How does the gospel wipe out our sins? It is not the promise of God that saves, it is the blood of Jesus Christ that saves. He is the fulfillment of the promise. The word tells us "all have sinned and come short of the glory of God." Salvation is our only when we accept Jesus as our personal Saviour.

Second blessing—All captives were liberated. Jesus says, He came to open the prison and set the prisoner free. There are some people who preach "the perseverance of the saints." You know how the Methodist church preaches that it is possible for Christians to backslide, and Presbyterians, Congregationalists, Baptists and the rest of us practise it. "We persevere because we are kept by Him. Jesus takes the contract to not only save us, but to keep us. The man that is saved from sin will keep just as far from sin and temptation as possible. We are saved from the power of sin."

Third blessing of the year of jubilee—The restoration of all lost possessions. Adam lost in the fall, life, communion, and fellowship with the Father. Jesus came to restore these lost possessions to man and by accepting Him to-night, you will have life eternal, communion with the Father, fellowship with Him, and the saints.

Fourth blessing of the year of jubilee—Restoration of the family. All return to the old homestead. The new testament teaches us that this blessing is not fulfilled up to down here on earth, it is fulfilled up yonder. Here ties are broken; there we'll all be united.

Fifth and last blessing of the jubilee year—Universal rest. There was to be no work done that year. The word tells us, "There remaineth a rest to the people of God." They who believe enter into His rest. There are many people living in continual fear and dread of the dying hour. I do believe that the blessed Lord is coming Himself to receive us.

The year of jubilee was announced by the sounding of the trumpet, but the trumpet never sounded until the sacrifice had been offered. This is the age for sounding the trumpet and giving the invitation to sinners. The sacrifice has been made for each one of us. Let us make a personal application of the blood, accept Jesus as our personal Saviour.

At the appeal of Dr. Toy, quite a number arose, testifying by so doing that they accepted Christ to-night as their personal Saviour.

## SENTENCED FOR LIFE.

Two Convicted Men Sent to Windsor  
From Rutland County.

Rutland, Nov. 17.—Rutland county court, a two session yesterday afternoon after the Sunday recess, Tony Valentini, who was found guilty some weeks ago of killing Deputy Sheriff F. A. Hayden of Ludlow in July, and Vito Turcolana, one of the murderers in the famous Accario case, were sentenced by Judge Hazelton to state prison for life. The sentence of Fair Haven was sent to Windsor for three years for setting a watch.

The charge of accessory after the fact against Anna Black, the 17 years old girl who led Santoro to the place where he was assassinated, was quashed and she was released on probation under the care of the people's charge in view of the fact that she has already been in jail for four months.

## GROTON TAKES COURAGE.

New Industry to Locate There—Electric  
Plant Most Done.

Groton, Nov. 17.—A representative of H. P. Hood & Son of Boston, was in town last week and closed the deal with Dr. S. N. and B. S. Eastman for the building site located the stone above which they bargained for some time ago. In the early spring they will erect a large building which will be used for the pasteurizing of milk.

## CAR OF GRAIN BURNED.

Another Fire Follows Big Elevator Fire  
at Rickford.

Richford, Nov. 17.—A car loaded with grain from the ruins of the elevator was found on fire early Sunday morning. The car and its contents were burned to the car floor and the end of another car loaded with grain was burned off. It is probable that in sucking the grain from the ruins of the elevator, which are still smoldering, a spark was left in the grain and this caused the fire.

MAY ADJOURN  
VERY SOONSmallpox Scare Makes Legis-  
lature Thoughtful

## PLANNING TO GO HOME

Speaker Cheney To-day Urged All the  
Members to Become Vaccinated—A  
Great Many New Measures in  
the House To-day.

State House, Nov. 17, '08.  
"When is the legislature to get through" is the oft repeated question heard on the streets and in the State House corridors and the offices about the building. If a person happens to reply by naming a date this side of Christmas there is a pause for the explanation of how it is figured out. When a person attempts to make this explanation he realizes what this legislature is really up against and what it has done in the more than six weeks it has been in session.

Ask a man, legislator or observant citizen who has followed the official report of the doings and attend some of the sessions, what has been accomplished up to this seventh week and suddenly he will knit his brows, look perplexed and finally grasp with delight at a couple of monstrous measures that come to his mind like the abolishment of the court of claims, the voting of the \$25,000 for the Champlain celebration and that is about all.

It would be unfair to say that nothing else had been done, for many preliminaries have to be gone through before a big measure in which new territory is to be won out comes into either body. Public hearings have to be held, many committee meetings and a division by the committee of a bill prepared in such manner as to embody what the committee believes is a measure that will meet the approval of the members of the two bodies. It remains a cold fact, however, that 40 days of the session have rolled away and none of the big questions, all of which will require a large amount of debate and consideration, have come before the two bodies for consideration.

The taxation question is one involving many opinions and ideas. The pass has been reached when the state wants something done. If mistakes are made the people will stand for them but they want something done. There is the question of a permanent taxation commission to be decided, the question of whether offsets will be abolished on debts outside the state, inside or both and the question of the tax on intangibles to draw out wealth which has heretofore remained hidden. This question has not been touched in either body yet and doubtless will not be until after Thanksgiving at least.

There is a question of the testing of cattle for tuberculosis. The state has spent \$175,000 in two years for cattle killed on this account, yearly about one-tenth of all the state's receipts. Something surely will have to be done with this and it will involve considerable discussion, if it is done away with altogether, and there must be discussion to safeguard the people's interest by some other protection.

The public service commission placing all public utilities under the supervision of a state commission is certainly important and will have to come in for a lot of debate. It is a novel idea placing the expense of the commission upon the concerns over which the commission has supervision.

Then the primary bills have not come in for debate and it is really believed that the state wants something actually done in this respect. The license question, while it may not be materially changed, will still come in for a large amount of debate on some of its features. The employers liability bills are many. The question is important and it is new ground in this state. It is understood the committee has not come to any conclusion as to what to recommend.

The district court bill is still under discussion of the committee, the highway bills must be sifted out by the committee and then thrust out on the floor of the two bodies, the educational measures are still with the committee and one bill alone provides for a manual training normal school that will cost over \$100,000. The state fair bill has not yet come up for discussion. These are some of the things that remain for the legislature to handle after the Thanksgiving recess.

## What Has Been Done?

Now in justice to the legislature it should be stated that in actual point of time this legislature has been out down over two weeks time from that of two years up to Thanksgiving. The opening day of the legislature this year was nearly a week later than two years ago and Thanksgiving comes nearly a week earlier so that comparisons can only be made in actual point of days consumed. Two years ago the legislature was in session 73 days in all up to Friday of this week the present legislature will have been in session 43 days. If the legislature comes back the Tuesday following Thanksgiving and remains in session up to the day before Christmas it will still be a shorter session than two years ago by three days.

The question is, "can the legislature do the work in the time remaining and the many more big and untried questions before it than faced the legislature of 1906?" In the House 475 bills had been introduced up to last night, 92 passed, 35 advanced to a third reading, 1 dismissed and 9 ordered to lie on the table. In the Senate 10 bills have passed the House and one has been killed with 16 in the hands of the committee. This makes about 330 bills to be disposed of in the House and more than that, in the Senate.

Continued on fourth page.

PROJECT FOR BAND  
MAKING FINE PROGRESSIt Won't Be Long Before Barre Will  
Have Its Own Organization Too-  
ing Out the Sweet  
Strains.

"Oh, listen to the band!"  
That is, wait a while—just a short while—and you will have the privilege of hearing some twenty-five or more of Barre's lusty-lunged men blending their notes in tuneful accord. Barre's band! Think of that, too!

The band project is so well developed that its sponsors are enthusiastic of success and they are anxious to get to work practicing for next summer's concert. The committee has been busy for some time collecting the instruments which were used by the old band association, and they have gathered some fifteen instruments, with a few more still out but available for the new organization. These instruments will have to be sent away for a retouching, and they will be shipped probably to-morrow night. This initial expense will cost about fifty dollars.

Later there will be the cost of the music and uniforms. To meet the uniform expense, it is planned to have a fair, some time after Lent, perhaps. Then, again, subscription papers are to be circulated among the people of the city for contributions to the good purpose. It is believed that there will be a generous response. All this will be needed to start the band, and then the city will undoubtedly appropriate an amount for the maintenance of the organization, how much is uncertain at present.

In reviving the band project in Barre, it will not be attempted to secure quantity so much as quality, although some 25 players are already available for the band. Most of these are trained musicians, many of whom have played in other organizations. All that will be needed is a director to develop them into shape. For a place of practice, the Church street gymnasium is proposed as the best adapted hall in the city, and steps are being taken to secure that. So taken all in all, things are coming along in splendid shape toward securing a band on which the city will be proud.

## SUCCESSFUL MEETING.

Of Seventh District Odd Fellows at  
Plainfield Last Night.

The annual meeting of the Odd Fellows of the seventh Vermont district was held at Odd Fellows' hall in Plainfield last evening under the auspices of Arcadia lodge of that village. Representatives were present from all the lodges of the district and the meeting was one of the most successful ever held.

The lodge was opened in form shortly after seven o'clock by the officers of Arcadia lodge and an address of welcome was delivered by H. C. Cutting of Plainfield on behalf of Arcadia lodge. The response was given by Rev. A. J. Hough of Montpelier. Next the work of the first degree according to the new ritual was exemplified in an excellent manner by Vermont lodge of Montpelier. This was followed by an exemplification of the unwritten work after which addresses were given by Grand Master E. W. Jackson of this city, deputy grand master Frank Perry of Brattleboro and others.

At the conclusion of the meeting an excellent banquet was served by the members of Pleasant Valley Rebekah lodge. The delegations going from the different lodges were large, there being over 100 from Montpelier and about 30 from Haverhill lodge of this city. A special train was run to Plainfield leaving Montpelier at 6:45 and leaving Plainfield on the return trip at 11:30. The lodges comprising the seventh district are Vermont of Montpelier; Valley of Waitsfield; Northfield of Northfield; Haverhill of Barre City; Randolph of Randolph; Cabot of Cabot; Mentor of Waterbury; Arcadia of Plainfield; Gile of East Barre; Mount Pleasant of Warren and Williamstown of Williamstown.

## WILL BE WEDDING SOON.

Says The New York World Through a  
Special Despatch.

A special despatch to the New York World from Goshen, N. Y., says "Thomas Fuller of this place, who is employed in a candy factory at Middletown, placed one of his cards in a box of candy early last summer. He was surprised to receive a souvenir post card in August which read:

Barre, Vt., Aug. 14, 1908.  
Dear Mr. Fuller—You like candy and that is how I found your name. I like New York state and would be glad to exchange post cards if you will. Yes? No?

Very truly yours,  
Mary Cannon.

Mr. Fuller replied to the card, and after the exchange of a few cards between them he began to answer letters, with the result that they exchanged photographs last month and their engagement has just been announced. Miss Cannon will be Mrs. Thomas Fuller before January 1.

## MANY CASES TO TRY.

At December Term of Windsor County  
Court.

Woodstock, Nov. 17.—The December term of Windsor county court will convene on December 1, with Judge George M. Powers of Morrisville presiding. The docket contains 239 cases, besides 36 cases in the chancery court. The jury calendar contains 20 cases and 43 are already set in the court calendar. There are 65 general and special assumpsit and 36 divorce cases. The old case of Hicks vs. Jones and Lamson Power company for the obstruction of water way comes up again.

## Going to Gardner, Mass.

Jericho, Nov. 17.—The Rev. Clement Tomlin has accepted a call to the Unitarian church in Gardner, Mass., and will move his family there in a few days.

H. Carr Jones, who has been visiting friends in the city, returned to his home in Sabrevois, Que., to-day.

STATE WINS  
ONLY IN PARTIn Famous Suits to Get Taxes  
From Railroads

## DECISION BY SUPREME CT.

Says That the Central Vermont and the  
Rutland Railroads Shall Pay to the  
State \$25,000; Total of Nearly  
\$40,000 Was Asked.

The Vermont Supreme court this morning handed down a decision in the famous railroad case in which the state attempted to collect from the Central Vermont and Rutland railroads an amount aggregating nearly \$40,000 which it was claimed was due in taxes. By the decision rendered the state gets about \$16,000 from the Central Vermont and \$9,000 from the Rutland; but it is considered a great victory, both for State Tax Commissioner Cushman, who was responsible for starting the suit, and Attorney General Fitts, who carried it through.

The railroads have their option in paying taxes on the appraised value of their property, or upon the gross earnings of the roads based on a sliding scale of percentage. That is, the smaller the gross earnings the smaller the rate of percentage tax. The railroads took the option of a tax upon the gross earnings and contended that the computation on the rate of percentage should be made on the earnings for six months. The fact that they paid a rate on six months earnings instead of one year's, brought the tax under a lower rate of percentage.

The state claimed the rate should be on the earnings for a year and also claimed that, in view of the fact that the railroad had not computed their taxes correctly on the gross earnings scale, that the state should recover for the time involved on the appraised valuation scale making, of course, a larger amount.

The case was heard before the supreme court in October. H. H. Powers appearing for the Rutland, C. W. Withers for the Central Vermont, and Attorney General C. C. Fitts and Hale K. Darling for the state. The supreme court decided this morning that the taxes should be computed upon a yearly basis instead of a six months' basis, but that the state could not recover taxes on the appraised valuation basis on the strength of incorrect computation by the railroads because the railroads had the option of an election on the basis on which to be taxed and had chosen the gross earnings.

Had the state been able to collect on the basis of the appraised valuation of the roads, it would have received about \$16,000 from the Rutland and \$24,000 from the Central Vermont.

UNDER ARREST AGAIN  
ON LARCENY CHARGEJohn McClellan Alleged to Have Snatched  
\$26 from Matt Matson After  
Treating Him to Several  
Drinks.

After treating his friend, Matt Matson, to several drinks of whiskey and after Matson, wanting some more, had taken out his pocketbook and offered to pay for it, John McClellan is alleged to have snatched the purse from Matson's hands and to have scooted away with it. In the pocketbook Matson claims there was about twenty-six dollars. This scene is said to have taken place Saturday night, but Matson did not report it until yesterday when he told his story to Grand Juror E. R. Davis, who made out a warrant for McClellan's arrest.

Officer Carle served the warrant on McClellan late yesterday afternoon and brought him into court on the charge of larceny. Judge Scott placed the respondent under bail of \$500 and postponed the case until this morning. McClellan was unable to find a bondsman and was locked up in the police station. This morning the case was put over to tomorrow morning.

This is the third time that McClellan has been brought into city court on the charge of larceny in the last six months. He was acquitted on the first two charges. He was first arrested for the alleged larceny of a gold watch from Alfred Beckman while the latter was in an intoxicated condition at a circus in Montpelier. McClellan put up the defense that he only took the watch to keep it for Beckman until he sobered up. The second charge was for the alleged larceny of some money from the pockets of a man named Miskel while the latter was sleeping off a drunk under the Allen Lumber company's office building. He was taken before the grand jury at Montpelier, but no case was found against him.

As a result of his recent spree, McClellan was sick in his cell this morning, and Dr. Duffy was called in to attend him.

## WILL NOT TAKE ACTION.

Favorable to County Option, Good  
Government Club Decides.